

## **13.0 SANTA CLARA COUNTY OPEN SPACE AUTHORITY**

The open space services that are provided by the District are evaluated within this service review.

### **13.1 LOCATION, ADMINISTRATION, AND OPERATIONS**

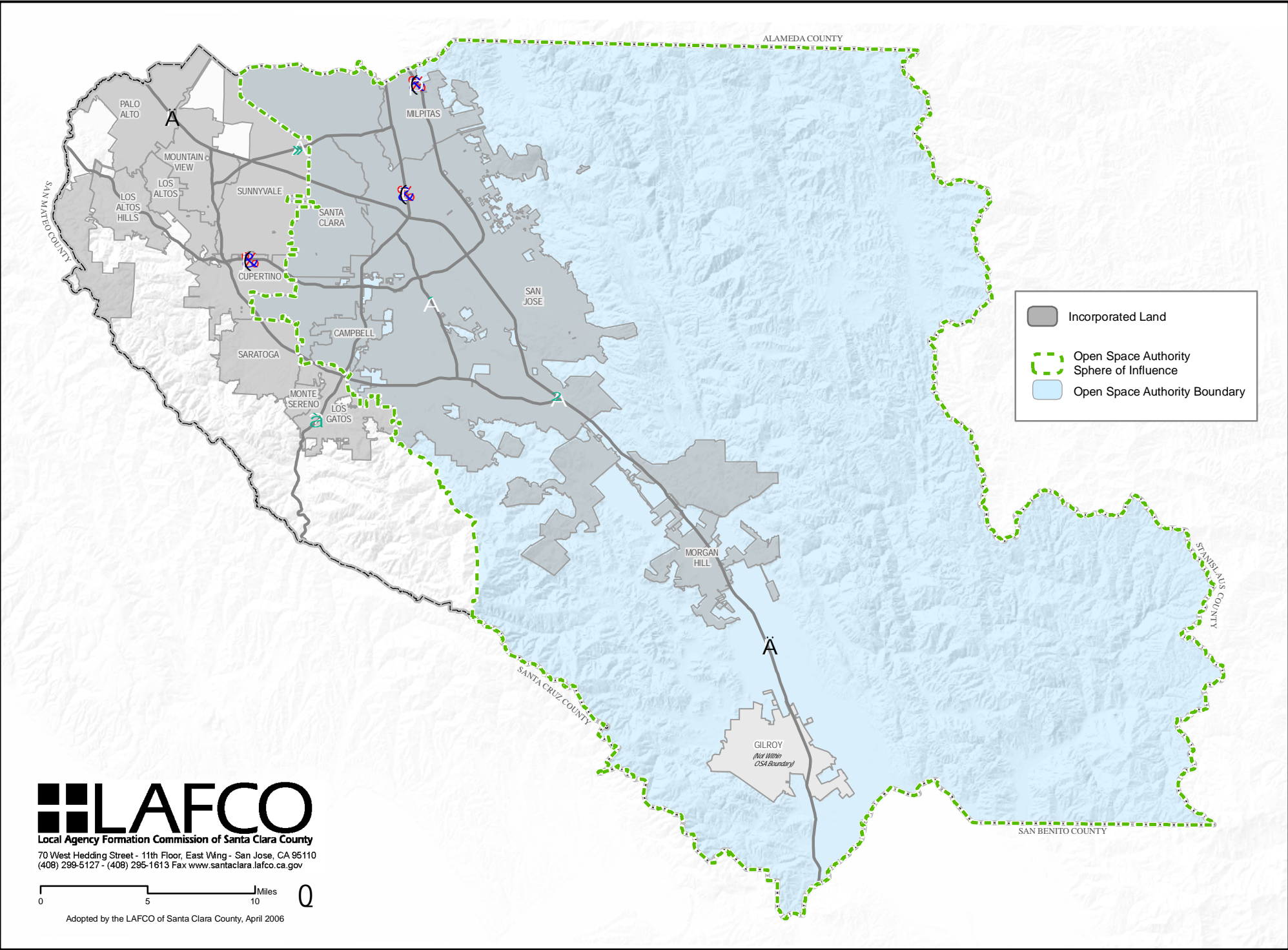
The Santa Clara County Open Space Authority was created on February 1, 1993 by the State Legislature pursuant to Public Resources Code 35100 et sec. The purpose of the Authority is to preserve hillsides, creek corridors, and other undeveloped land through acquisition of fee or conservation easements. The Authority is comprised of the Cities of Campbell, Milpitas, Morgan Hill, Santa Clara, and San Jose as well as the unincorporated area of the County that is not within the Midpeninsula Regional Open Space District. The Authority's SOI is generally coterminous with its boundary, except for the City of Gilroy. The City of Gilroy is within the Authority's SOI, but not within the Authority's boundaries.

The Authority currently owns 9,549 acres of land and has assisted in preserving 1,276 acres of conservation easements and mitigation lands, including open space, parklands, wildlife areas, recreation areas, and watershed areas. These lands are scattered throughout the County within the following areas: the northern most portion of San Jose adjacent to the County line, northeast of Milpitas surrounding Calaveras Reservoir, to the east of San Jose, within the southeastern portion of San Jose south of Campbell, adjacent to the western County line west of Morgan Hill and Gilroy, and adjacent to the eastern County line east of Morgan Hill and Gilroy. Within these lands two facilities are currently open to the public, as detailed below.

- Rancho Canada del Oro Open Space Preserve is open to the public and located adjacent to Calero County Park (southwest of San Jose). The facility includes two existing trails, the Longwall Canyon Trail (2.7 miles) and Bald Peaks Trail (1.1 miles), in addition to a parking area, restrooms, and an equestrian staging area. The Authority is currently developing an additional five miles of trails within this preserve. The new trails are expected to be completed in the summer of 2006.
- The Boccardo Trail Corridor is open to the public and located adjacent to the north of San Jose's Alum Rock Park. The facility includes a 1.5-mile trail, which is open to hikers, bicyclists, and equestrians, is designated as a portion of the Bay Area Ridge Trail. The Authority is currently developing an additional 10-12 miles of trails adjacent to the existing trail. The new trails are expected to be completed in 2007.

In addition to the above facilities the Authority is in the process of developing a guided hiking program on Palassou Ridge, which is located at the eastern edge of Coyote Reservoir at the intersection of Gilroy Hot Springs and Reservoir Road. The program is in the development stage and guided hikes are expected to begin in the summer of 2006.

# Santa Clara County Open Space Authority Boundaries



The Authority is governed by a directly elected seven-member Board of Directors. The Authority Board meets on the second and fourth Thursday of every month at the Authority's administrative office. Meetings are held pursuant to the Brown Act. The Authority has a Citizen's Advisory Committee with 17 members who are appointed by the Board of Directors. Each member meets criteria specific to the seat they are appointed to and are appointed to serve a two-year term. The Advisory Committee assists the Board in special projects and meeting Authority goals. The Open Space Authority staff consists of 10 employees, including 7 administrative staff and 3 field staff.

The Authority adopts an annual budget, which begins with a Board workshop where board members outline goals for the upcoming fiscal year. The preliminary budget for FY 2005–2006 estimates that approximately \$4,240,900 will be available for acquisition projects by the Authority, \$742,960 will be available for projects by participating jurisdictions under the 20% Funding Program (as described below), and approximately \$380,000 will be available for the improvement, maintenance, and servicing of properties owned or maintained by the Authority.

The Authority receives its revenue through benefit assessments (98 percent of revenue) that are levied by the Authority and from interest income. In FY 2003-2004 the District's revenues totaled \$12,336,437 and expenditures totaled \$4,811,801; meaning that revenues exceed expenditures by \$5,020,246. Approximately, 18 percent of the fund balance at the end of FY 2003-2004 (\$3,738,803) consisted of an unreserved fund balance, which is available to meet the Authority's current and future needs. The remainder of the fund balance (\$16,582,193) is reserved to indicate that it is not available for new spending because it has been committed to outstanding encumbrances.

In June 1994, the Authority proposed a ballot measure for the levy of a benefit assessment to provide funding for the acquisition of open space areas. This measure passed with a majority vote approval. Due to a significant increase in property values and the increasing development pressure within nonpreserved open space areas in the County, the Authority determined that its funding was insufficient to meet its open space preservation goals. Therefore, in 2001, the Authority proposed another assessment ballot, which also passed.

The Authority's assessment includes an annual adjustment in the assessment levied equal to the annual change in the Consumer Price Index for the San Francisco Bay Area as of January of each succeeding year, with the maximum annual adjustment not to exceed 4 percent. To levy the assessments, the Authority is required to prepare an Engineer's Report, budget, and proposed assessments for the upcoming fiscal year. After the Report is completed, the Board may preliminarily approve the Report and proposed assessments and establish the date for the public hearing on the continuation of the assessments.

Assessments are levied based upon Benefit Points that are assigned to properties based on a land use formula. The annual assessment per Benefit Point for FY 2005–2006 will be \$12.00. This rate of assessment is not proposed to increase from the previous fiscal year and is the same rate that was levied in the District in previous fiscal years.

Acquisition funds may be used for the preservation of open space lands that are of regional significance and are within the boundaries of the Authority as defined below.

- The preservation or restoration of the natural environment

- Outdoor recreation areas with minimal structures and environmentally compatible development of land
- Agriculture areas
- Greenbelts and urban buffers
- The preservation of significant scenic resources and view sheds

Similarly, the Authority has a Five-Year Plan, which states that it should complete at least one acquisition representing each of the following open space goals:

- Hillside preservation that is visible from the valley floor
- Valley floor preservation that includes wetlands, baylands, riparian corridors, or other unique habitats
- Agricultural preservation
- Segment of regionally significant trail
- Segment of a greenbelt between cities
- Urban open space

The Authority's acquisition priorities are set through recommendations from the Citizens Advisory Committee and cities that are within the Authority. Prior to finalizing any acquisition, the Board makes public the terms of any proposed acquisition agreement, including cost, legal land description, and landowners and provides for public comment regarding the acquisition. Acquisitions are discussed as an agenda item at a regularly scheduled Board meeting or at a specially scheduled public hearing. The Authority welcomes recommendations from the public regarding lands that may be appropriate to consider for acquisition.

The Open Space Authority's objectives include helping the cities within its boundaries preserve open space. To assist in creating preserved open space areas within cities, the Authority has developed the 20% Funding Program. Each year, 20 percent of the net proceeds of the Authority's capital funds are earmarked for distribution to cities within the Authority's boundaries for assistance with open space projects. The 20% Funding Program helps provide a balance between large-scale open space acquisition and smaller park and trail acquisition and development within urban areas.

The District has developed study areas for the different geographic regions within its boundaries. The study areas are intended to be contiguous or shared with many other jurisdictions, making the preservation objectives regional and multiagency in nature. The following are objectives of the study areas:

- To help clarify specific geographic areas of interest to the Authority
- To identify the types of natural resources (e.g., Open Space, Agricultural Land, View Shed, Habitat) for preservation in that geographic vicinity

The Study Areas are briefly discussed below:

**Milpitas-Berryessa Study Area:** Consisting of approximately 7,000 acres, this Study Area is adjacent to both Ed R. Levin County Park and watershed lands of the San Francisco Public Utilities Commission (PUC) and drains into Calaveras Reservoir. The area itself includes the primary watershed for the Berryessa and Penitencia Creeks. Urban development has already made inroads nearby and, in fact, constitutes the western boarder of this Study Area.

**Arroyo Aguague Study Area:** This 5,400-acre Study Area adjoins Joseph D. Grant County Park to the south and Nature Conservancy-protected lands to the east, while urban development makes up its western boundary.

**Evergreen Study Area:** East San Jose Foothills comprise this 8,100-acre Study Area, which is a watershed for Silver Creek and its many small feeder and tributary creeks.

**Coyote Ridge Study Area:** This is a 10,000-acre Study Area that includes East Coyote Foothills and lands to the east of Anderson Lake. It also adjoins the proposed Evergreen Study Area to the East, Coyote Creek County Park to the west, and Anderson Lake County Park to the south.

**Upper Coyote Creek Study Area:** This 13,000-acre Study Area includes the east Gilroy foothills, Palassou Ridge, and Canada de los Osos.

**Western Watershed Study Area:** The 30,000-acre Western Watershed Study Area is bordered to the north by Almaden Quicksilver and Calero County Parks and extends west and south to the Santa Clara County line. To the east is Coyote Valley and to the south is Uvas Reservoir.

**Baylands Study Area:** The Authority's Baylands Study Area consists of over 16,500 acres of shoreline hugging the San Francisco Bay north of Route 237 in northern San Jose.

**Santa Teresa Ridge Study Area:** This 1,500-acre Study Area is a prominent ridge that abuts Santa Teresa County Park.

**South Coyote Valley Greenbelt Study Area:** This 3,300-acre Study Area is located just north of the City of Morgan Hill. The City of San Jose's General Plan shows that this area is located between Palm Avenue and Madrone Avenue on the west side of Monterey Highway and between the Morgan Hill City Limit line and Metcalf Avenue on the east side. In addition, the General Plans of Santa Clara County and Morgan Hill also indicate this general area as Greenbelt or Urban Buffer. The San Jose General Plan calls for this Greenbelt to be a "permanent non-urban buffer between San Jose and Morgan Hill." In addition, the General Plans of the County and Morgan Hill also indicate this general area as Greenbelt or Urban Buffer. Already, 840 acres are in public ownership. The remaining land consists of parcels that range in size from 5 to 100 acres.

The District implements the following volunteer programs:

**Trail Patrol:** Members of this program actively participate in the protection of open space lands and assist in monitoring visitor use. Trail Patrol members distribute information, brochures, and maps to trail users; educate visitors about proper trail use and safety; and provide staff with information on trail conditions and visitor use patterns. Trail patrol can be done on foot, bicycle, or horseback.

**Land Stewardship:** Members of the Land Steward Program actively participate in the protection and restoration of open space lands and assist in providing opportunities for low-impact public enjoyment. They assist Authority staff with many helpful projects.

- Trail construction & maintenance
- Land restoration
- Fencing
- Clean-up

**Community Outreach:** These volunteers further the Authority's community relations and public information goals by representing the Authority and distribution information at festivals, health fairs, and other public events.

**Special Project Volunteers:** These volunteers assist with long- or short-term projects on Authority properties and/or in the office. This may include using specialized skills the individuals may already have such as conducting plant or wildlife inventories; fence and gate repairs; gathering and compiling mapping, geographic information system data, or ArcInfo data; or helping with clerical tasks in the office.

## **13.2 SERVICE REVIEW DETERMINATIONS FOR THE SANTA CLARA COUNTY OPEN SPACE AUTHORITY**

The Service Review guidelines prepared by the State Office of Planning and Research recommend that issues relevant to the jurisdiction be addressed through written determinations called for in the CKH Act. Based on the above information, the following are the written determinations for the Authority.

### **Infrastructure Needs and Deficiencies**

1. The Authority provides open space preservation services and currently has two facilities that are open to the public and include trails. Within the existing facilities no infrastructure needs or deficiencies have been identified.

### **Growth and Population**

1. Based upon ABAG projections, the County is expected to experience a moderate growth rate of 1.19 percent annually through 2025. The Authority's service provision is not directly related to population growth. However, population growth could increase development pressure on nonpreserved open space lands, making the Authority's acquisition of these areas more difficult.

### **Financing Constraints and Opportunities**

1. The Authority's revenue is limited to benefit assessments and the constraints of Proposition 218.

2. The Authority's existing benefit assessment is sufficient to provide for acquisition projects, continuation of the existing programs, and servicing properties that are owned and maintained by the Authority. With additional funding, more lands could be acquired; however, financing constraints do not hinder the provision of services.

### **Cost-Avoidance Opportunities**

1. The Authority has minimal employees and implements several volunteer programs. No cost-avoidance opportunities have been identified.

### **Opportunities for Rate Restructuring**

1. The Authority's assessment provides for an annual adjustment based upon the Consumer Price Index for the San Francisco Bay area. Additional increases to benefit assessments, which are the only rates that the District levies, must be approved by two-thirds of the voters. Hence, no opportunities for rate restructuring have been identified.

### **Opportunities for Shared Facilities**

1. The Authority provides open space preservation and trail/recreation services, which is based upon the provision/ownership of open space lands. As lands are not jointly owned or jointly provided with other agencies no shared facilities exist and future opportunities for shared facilities are limited. However, the Authority does preserve lands adjacent to open space and park facilities owned by other agencies and the Authority's lands provide linkages to these other facilities. Therefore, the opportunity may exist for the Authority to jointly plan with other agencies for future facilities to provide expanded open space land areas.

### **Government Structure Options**

1. The Authority is governed by a directly elected Board of Directors. As the District's objective is to acquire open space lands throughout a large area of the County, it appears that an elected Board is an appropriate and effective structure for the Authority. No government structure options have been identified.

### **Evaluation of Management Efficiencies**

1. Activities of the Authority are evaluated annually within the required Engineer's Report, which is submitted to the Authority Board for review and adoption.

### **Local Accountability and Governance**

1. The Authority has a directly elected Board that meets pursuant to the Brown Act and has an Advisory Committee that recommends priorities and acquisition goals.

### **13.3 SOI RECOMMENDATION FOR THE SANTA CLARA COUNTY OPEN SPACE AUTHORITY**

#### **Current SOI Boundary**

The Open Space Authority's existing SOI includes all of the County area, except for lands within the Midpeninsula Regional Open Space District's SOI. Specifically, the Authority's SOI is coterminous with its boundary, except for the City of Gilroy. The City of Gilroy is within the Authority's SOI, but not within the Authority's boundaries.

#### **SOI Recommendation**

Any expansion of the Authority's SOI would overlap with areas of the Midpeninsula Regional Open Space District's SOI. Therefore, it is recommended that LAFCO reaffirm the existing SOI for the Santa Clara County Open Space Authority.

### **13.4 SOI DETERMINATIONS FOR THE SANTA CLARA COUNTY OPEN SPACE AUTHORITY**

As detailed previously in Section 1.1.2, Government Code section 56425 requires written determinations with respect to the following four factors to update an agency's SOI. Based upon the information above, the following determinations are provided to update the existing Open Space Authority's SOI.

#### **1. The Present and Planned Land Uses in the Area, Including Agricultural and Open-Space Lands**

The District encompasses the Cities of Campbell, Milpitas, Morgan Hill, Santa Clara, and San Jose as well as the unincorporated area of the County that is not within the Midpeninsula Regional Open Space District. These areas contain a wide range of land uses, including all types of urban uses to large areas of hillside, open space, and agricultural uses. Generally, unincorporated areas within the County are designated Rural County. However, numerous unincorporated pocket areas exist that are developed with urban uses. Development within the cities ranges from fully developed urban areas to expansive hillside, open space, and agricultural lands.

Finding: Planned land uses throughout these areas are generally similar to those of the existing uses with the exception of the proposed Coyote Valley Specific Plan Area located in southern San Jose. The Specific Plan Area is currently undeveloped. If implemented, the Specific Plan would create an urban community comprising a minimum development of 50,000 jobs and 25,000 dwelling units.

#### **2. The Present and Probable Need for Public Facilities and Services in the Area**

The County is expected to experience a moderate growth rate of 1.19 percent annually through 2025. The Authority's service provision is not directly related to population growth. However, population growth could increase development pressure on nonpreserved open space lands, making the Authority's acquisition of these areas more difficult.



Finding: The Authority is expected to continue to acquire lands for open space preservation throughout its boundary.

### **3. The Present Capacity of Public Facilities and Adequacy of Public Services That the Agency Provides or Is Authorized to Provide**

Finding: The present capacity of service provided by the Open Space Authority appears to be adequate.

### **4. The Existence of Any Social or Economic Communities of Interest in the Area if the Commission Determines That They Are Relevant to the Agency**

Due to the unique service that the Authority provides, all lands within the Authority's boundary could be considered a community of interest. Specifically, the Study Areas, as identified above, and nonpreserved open space areas that are of regional significance would be considered communities of interest.

Finding: All lands within the Authority's boundary are considered a community of interest.